

CHAPTER 4

TRAVEL AND LEAVE BENEFITS

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All employees earn leave and travel benefits in accordance with their status in the Foreign Service. Family members also qualify for certain benefits.

ANNUAL LEAVE (3 FAM 3410)

Employees accrue annual leave on the following basis:

Leave Earned

Years of Service	Per Pay Period	Per Year
1-3	4 hours	13 days
3-15	6 hours	20 days
15+	8 hours	26 days

The years of service are based on your service computation date, which generally includes all federal government service. Employees are paid for accrued annual leave upon separation or retirement.

Ceilings

The maximum amount of annual leave that may be accrued and carried over from one leave to another is 240 hours or 30 days if serving on a domestic assignment and 360 hours or 45 days if serving overseas. (The ceiling for SES and SFS members is 720 hours

or 90 days.) Employees who serve overseas and reach the 360-hour ceiling may carry that ceiling with them on domestic assignments. The leave year generally corresponds with the calendar year, and accrued annual leave over the maximum must be used by the end of the leave year to avoid forfeiture.

Restored Annual Leave

There are provisions to restore annual leave under certain prescribed conditions. Employees who are over the leave ceiling may qualify for restoration of annual leave under four conditions: administrative error, illness, exigencies of public business, or national emergency work. To qualify for restoration under exigencies of public business (the most common reason), a written request for annual leave must be submitted before the end of pay period 23 (approximately November 21), and the supervisor or manager must document in writing the reason for denial at the time such leave is denied.

In the Department of State, Executive Directors of regional and functional bureaus have the delegated authority to approve restoration of annual leave. Restored leave is placed in a separate annual leave account and must be used within two years after restoration.

Voluntary Leave Transfer Program (VLTP) (3 FAM 3340)

Under the VLTP, employees who face a personal or family medical emergency, have exhausted all of their available annual and sick leave, and will be in a non-pay status for a minimum period of 24 hours because of the medical emergency, may apply for the leave transfer program. Domestically, applications are approved by the bureau's executive office, and overseas by the post's administrative officer (for Department of State personnel).

If an applicant is approved as a leave recipient, other employees may donate annual leave *only* to that individual recipient. There are currently no provisions for donating to a leave bank (for Department of State personnel).

SICK LEAVE (3 FAM 3420)

Employees accrue sick leave at the rate of four hours per pay period, or 13 days per year, and there is no maximum limit on accumulation.

Use of Sick Leave

Sick leave may be used under three conditions:

- 1) when incapacitated for performance of duty because of sickness, injury, or pregnancy and confinement;
- 2) for medical, dental, or optical examination or treatment; and

- 3) when absent to care for and attend to an immediate family member ill at home with a contagious disease or when, through exposure to contagious disease, the presence of the employee would jeopardize the health of others.

Sick Leave to Care for a Family Member

As of June 20, 2000, federal employees may use a total of up to 12 administrative work weeks of sick leave each leave year to care for a family member with a serious health condition. If an employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the 12-week entitlement. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for general family care purposes. An employee is entitled to a total of 12 weeks of sick leave each year for all family care purposes.

Family member is defined as:

- spouse and parents of the spouse;
- children, including adopted children and their spouses;
- parents;
- brothers and sisters and their spouses; and
- any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Serious Health Condition

The term “serious health condition” has the same meaning as used in the Office of Personnel Management’s regulations for administering the Family and Medical Leave Act of 1993 (FMLA). That definition includes such conditions as AIDS, cancer, heart attacks, strokes, severe injuries, Alzheimer’s disease, pregnancy, and childbirth. The term “serious health condition” is not intended to cover short-term conditions for which treatment and recovery are very brief. The common cold, the flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise.

General Family Care or Bereavement Purposes

A covered full-time employee may continue to use 40 hours (five workdays) of sick leave each leave year for these purposes. An employee may use an additional 64 hours of sick leave for a total of 104 hours (13 workdays) for general family care or bereavement purposes or to care for a family member with a serious health condition if he or she maintains a balance of at least 80 hours of sick leave in his or her account. Only the first 40 hours of sick leave (or a proportional amount for an employee on a part-time schedule or uncommon tour of duty) may be advanced. (See 3 FAH-1, 3426.1)

Sick Leave for Adoption

Beginning September 30, 1994, employees were permitted to use sick leave for purposes related to the adoption of a child (no limit on usage). Employees may use sick leave for appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed. However, sick leave may not be used for the purpose of bonding with a newly adopted child.

Employees are not paid for accrued sick leave upon resignation or retirement. However, employees who entered government service prior to January 1, 1984, and are covered under what is called the “old” retirement system (FSRDS – Foreign Service Retirement and Disability System or CSRS – Civil Service Retirement System), may use accrued sick leave to gain additional service credit for retirement purposes, at the rate of 176 hours of sick leave for each additional month of service credit (2,080 hours for one year).

Family and Medical Leave Act (FMLA) (3 FAM 3530)

The FMLA of 1993 provides federal employees with the entitlement to 12 work weeks of unpaid leave during any 12-month period for the following purposes:

- the birth of a son or daughter of the employee and the care of that child;
- the placement of a child with the employee for adoption or foster care;
- the care of a child, spouse, or parent of the employee who has a serious health condition; or
- a serious health condition of the employee that makes the employee unable to perform any one or more of the essential functions of the job.

An employee may elect to substitute other paid time off, as appropriate, for any period of unpaid leave under the FMLA. Also, under certain conditions, leave may (if approved), be taken intermittently, or the employee may work under a work schedule that is reduced by the number of hours taken under this program.

Other Absences in Pay Status

Military Leave (3 FAM 3440)

Court Leave (3 FAM 3450)

Absence for Maternity or Paternity Purposes (3 FAM 3350)

Local Holidays (3 FAM 3462)

Leave to Serve as a Bone Marrow or Organ Donor (3 FAM 3464.6)

Excused Absences (Administrative Leave) (3 FAM 3460)

Blood Donations (3 FAM 3464.1 (5))
Absences of Less than One Hour (3 FAH-1 3461)
Voting (3 FAH-1 3463)
Time Zone Dislocation (3 FAH-1 3464)
Packing and Unpacking (3 FAH-1 3465)

Advances of Leave (3 FAM 3400)

Annual Leave
Sick Leave

Unpaid Leave (3 FAM 3500)

Leave Without Pay
Absent Without Leave

HOME LEAVE (HL) (3 FAM 3430)

The purpose of home leave is to ensure that all employees sent overseas for extended periods to represent the United States undergo periodic reorientation and re-exposure to the United States. All employees must take home leave, as it is a statutory requirement. Foreign Service employees who are assigned abroad earn home leave at the rate of 15 days for each year of overseas service. There is no maximum limitation on the accrual of home leave. Employees are not paid for unused home leave upon separation or retirement. Home leave can be used only in the United States. Any trips made outside of the United States before, after, or during the home leave must be charged to annual leave or travel time.

Home leave is normally taken at the end of the tour, and most tours are 24 to 36 months depending upon the post differential rate. A minimum period of 18-months continuous overseas service is required to qualify for home leave. Time spent in the United States on annual leave, emergency visitation travel, rest and recuperation, and/or any time in a non-pay status will delay the 18-month minimum period of eligibility. Dependents qualify for home leave based on the eligibility of the employee, and normally the employee and dependents would travel together on home leave.

The amount of home leave that can be authorized varies depending upon the employee's next assignment. If the employee's next assignment is overseas, the amount of home leave that can be authorized varies between 20 days (minimum) to 45 days (maximum), with 20 days as the normal established standard. Effective April 14, 2000, employees reassigned to the United States may take a maximum of 25 days of home leave, and under specified circumstances, the leave may be deferred for up to six months. Requests

for exceptions on the prescribed time limits are considered on a case-by-case basis. All home leave that is approved is taken in working days.

The only expense paid by the U.S. Government in connection with home leave is the round-trip air fare (and per diem while in travel status) for the employee and family members from post to the home leave address of record that is officially documented on the OF-126, Residency and Dependency Report Form. Travel eligibility for children of the employee stops at age 21. Expenses for food, lodging, and other expenses connected with home leave are the responsibility of the employee. Since home leave is a statutory requirement all of the unreimbursed expenses for the employee (no one else) are tax deductible. Receipts should be retained, and employees may wish to consult with a tax advisor before filing tax returns.

Home leave is not authorized for State Department Civil Service (CS) employees who are assigned to an overseas post on a limited non-career Foreign Service appointment (LNA) when returning to a domestic assignment. However, a State Department CS employee may be granted a period of transition leave (or excused absence) not to exceed 10 workdays for the purpose of resettling back to the United States after an overseas assignment. (3 FAM 3464.3)

REST AND RECUPERATION TRAVEL (R&R) (3 FAM 3720)

The purpose of R&R is to give employees relief from onerous conditions at the post of assignment. Approximately 70 percent of all posts worldwide are certified for R&R, with the majority of the non-certified posts in western Europe. If a post is R&R certified, employees are eligible to take one R&R trip during a two-year tour and two trips during a three-year tour unbroken by home leave. R&R travel must begin and end at post, and the time away from post is charged to annual leave. See 3 FAH-1, 3722, Exhibits 1-5 for a list of posts certified for R&R and their designated relief areas.

Employees have the choice of traveling to the designated overseas relief point, to any other overseas location on a cost-constructed basis using the travel costs to the designated relief point (provided that the purpose and objectives of R&R travel are met), or they may elect the option of traveling to any city in the continental United States (the lower 48 states). However, if the U.S. option is selected, more than 50 percent of the time away from post must be spent in the United States (applies to the employee and dependents). Also, the travel costs to the continental United States may not be used for cost-constructed travel to a point outside the continental United States. Normally, R&R is not taken during the first or the last six months of the tour. The eligibility of family members stems from that of the employee, and once the employee is eligible, that eligibility is usually automatically extended to the dependents. Employees and family members may travel at separate times and to separate locations, and the family may take R&R even if the employee is not able to travel. For children, travel eligibility ceases at age 21.

EMERGENCY VISITATION TRAVEL (EVT) (3 FAM 3740)

EVT allows travel to the United States by a member of the service who is assigned abroad, or the member's spouse, for certain family emergencies. The emergencies are limited to EVT where death of a family member has occurred, or because of a serious illness or injury, death is imminent or likely to occur based on competent medical opinion (medical EVT); or a parent of the member or spouse becomes incapacitated and requires medical treatment or assessment of his/her living situation and/or care (Elder Care EVT). In the event the recommendation to authorize EVT for a medical emergency is not received quickly enough, the employee or spouse may travel at personal expense and seek reimbursement after the fact, or as an alternative, sign a repayment acknowledgement and the post may procure transportation through official channels.

For purposes of medical EVT, family members are defined as: the spouse of the employee; parents including stepparents or the adoptive parents, and children including stepchildren, adopted children, and those who are or were under legal guardianship, of the employee and the employee's spouse. EVT for brothers and sisters, including stepbrothers and stepsisters of the employee and the employee's spouse is authorized only for death. Ordinarily, only one member of a family may travel at U.S. Government expense on EVT, and he or she must be physically overseas at post or TDY; and the spouse may not travel in the place of the relative of the ill or deceased family member, except in some circumstances for Elder Care EVT. The Office of Medical Services (MED), is responsible for determining eligibility for EVT under medical emergencies. Only one trip is approved for each serious illness or injury of an immediate family member. The employee is required to cable MED with the facts of the medical emergency. The employee or spouse must approve release of information to MED by physician/hospital. MED will take the necessary action to contact the doctor and make a determination on travel eligibility. Posts may authorize travel without MED approval in the case of death. (See Chapter 4, "Medical Information and Issues.")

Elder care EVT entitles an employee and spouse to two trips each throughout the career of the employee, subject to any limitations established below. Parent includes the mother or father of the employee or the employee's spouse, stepparents, adoptive parents, or individuals who have stood in place of a parent. Employees and their spouses will decide when to use the travel benefit and for which parents. Both elder care trips may be used for one parent. Under no circumstances may an individual be deemed to have more than two parents for purposes of all EVT trips. If an employee or spouse travels for elder care EVT, the parent that is visited is designated for medical EVT purposes also. Only one other parent may be designated for EVT, regardless of gender. For example, an employee who is approved for two elder care EVT trips to attend to a biological mother and a stepmother cannot be approved for a medical EVT for a father at a later time, even if one of the mothers is no longer living. An employee may designate a spouse to travel in his or her place. Authorization for elder care travel must be requested from the Office of Employee Relations (HR/ER/WLP) by submitting a cable that includes a self-certification with the details of the parent's health issue. If approval from HR/ER/WLP

cannot be obtained prior to travel, the request for approval must be provided not more than 30 calendar days after completion of travel. (See also Chapter 16, “Eldercare”)

Human Resources and Employee Relations (HR/ER) and counterpart offices in other foreign affairs agencies have the authority to approve EVT in exceptional situations involving an unusual personal hardship that does not meet the medical criteria. Generally, requests are limited to instances in which the traveler (1) would attend the funeral services or visit a seriously ill or injured person who stands in the place of a parent; or (2) is the sole surviving member of the family of a seriously ill or injured person.

Travel may be authorized to locations outside the United States if the seriously ill, injured, or deceased immediate family member or incapacitated parent is outside the United States, and the member is physically overseas. Such travel is on a cost-constructed basis, limited to the travel cost from post to the separation residence of record. All time away from post on EVT, with the exception of travel time to and from the place of emergency, is charged to annual or sick leave.

TRAVEL OF CHILDREN OF SEPARATED FAMILIES (3 FAM 3750)

This travel authority provides for the payment of one round-trip per year to enable each child below age 21 of a member of the Foreign Service stationed abroad to visit either of the child’s separated parents. Travel cannot be authorized within the first or the last 30 days of assignment or return from home leave.

A child may travel to visit: (a) the member abroad if the child does not regularly reside with the member and the member is not receiving an educational allowance, educational travel, or separate maintenance allowance for the child (see Chapter 3, “Allowances”); or (b) the other parent of the child if the other parent resides in a country other than the country to which the member is assigned, and the child regularly resides with the member and does not regularly attend school in the country in which the other parent resides.

Stepchildren are also eligible for this travel benefit. The benefit can also extend to children of tandem couples provided that the parents are stationed overseas, and all other eligibility factors for the travel benefit are met.

FAMILY VISITATION TRAVEL (3 FAM 3730)

When a post has been designated by the Director General of the Foreign Service as an imminent danger area at which family members are not authorized to reside, employees who are serving at that post are authorized periodic travel to visit their family members at U.S. Government expense. Generally employees are authorized two round-trips for each 12-month period of service abroad. For a fractional part of a year, one trip may be

authorized for each full six-month period of service in an imminent danger area. Time away from post, including travel time, is charged to annual leave.

Employees with family members located in the United States are authorized two round-trips in each 12-month period, with no travel during the first or last three months of the tour, and trips must be spaced three months apart. For employees with family members located abroad, more than two visits may be permitted during a 12-month period provided the cost does not exceed the cost of two round-trips to Washington, D.C. Visits to family members outside the United States are not permitted during the first four weeks or the last four weeks of the tour, and a four-week interval must separate the trips.

When a post is designated for both family visitation travel and R&R travel, eligible employees have the option of taking two family visitation trips and no R&R, or they may elect to take one family visitation trip and one R&R. In exceptional circumstances involving unusual personal hardship, an individual may be authorized two family visitation trips and an R&R trip, if eligible. Requests for exceptions are approved by the Director General at the Department of State, and counterparts in other foreign affairs agencies.

SOURCES OF INFORMATION

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